UNITED STATES DEPARTMENT OF AGRICULTURE t
BEFORE THE SECRETARY OF AGRICULTURE t

REC'D - USDA/OALJ/HCO
2024 FEB 5 1:23 PM

In t : t Cargill Meat Solutions orporation, t Respondent. t	P&S Docket No. D-24-J-0033 Consent Decision and Order t

This proceeding was initiated under the Packers tand Stockyards Act, 1921, as amended t and tsupplemented t(7 tU.S.C. t§ t181, tet tseq.) t(the tAct), tby ta tComplaint tfiled tby tthe tDeputy t Administrator, tFair tTrade tPractices tProgram, tAgricultural tMarketing tService, tUnited tStates t Department of Agriculture, alleging that Respondent tviolated the Act. tThis consent decision is t entered pursuant to tthe tconsent decision provision of the Rules of Practice Governing Fonnal t Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138) t (Rules of Practice). t

Respondent admits tht jurisdictional allegations in tParagraph I of the tComplaint and t specifically admits that the Secretary has jurisdiction in this matter, nt ithtr admits nor denies the t remaining allegations, waives oral hearing and further procedure, waives all rights to seek judicial review and otherwise challenge or contest the validity of this tdecision, including waiving t challenges to the Administrative Law Judge's authority to enter this Decision and Order under the t Administrative Procedure Act and the tConstitution of the United States, and waives any action against the United States Department et Agriculture under the t quat Access to Justice t ct ot 1980 t (5 U.S.C. § 504 et seq.) tfor fees and other expenses incurred by Respondent in connection with t

this proceeding or any action against any USDA employee in their individual capacity, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this Consent Decision and Order.

Complainant agrees to the entry of this Consent Decision and Order.

Findings of Fact

1. Respondent is a corporation organized and existing under the laws of the state of Delaware and located in Wichita, Kansas. Its business mailing address is PO Box 2519 Wichita, KS 67201. Respondent, at all times material herein, conducted operations at, among other places: 1530 W. HWY 60, Friona, Texas; 490 Road 9, Schuyler, Nebraska; 3201 E Highway 400, Dodge City, Kansas; and 1505 E. Burlington Ave. Fort Morgan, Colorado.

2. Respondent is, and at all times material herein was:

a) Engaged in the business of buying livestock in commerce for the purposes of slaughter;

b) Engaged in the business of manufacturing or preparing meat and meat food products for sale or shipment in commerce; and

c) A packer within the meaning of and subject to the provisions of the Act.

Conclusions of Law

Respondent having admitted the jurisdictional facts, and the parties having agreed to the entry of this consent decision, the Consent Decision and Order will be entered.

Order

Respondent, its agents, and employees, directly, or indirectly, or through any corporate device, in connection with operations subject to the Act, shall cease and desist from:

1) Failing to meet applicable installation standards established by the National Institute of Standards and Technology ("NIST") with regard to the carcass grading instrumentation;

2) Compensating sellers based on inaccurate grading.

In accordance with section 401 of the Act (7 U.S.C. § 221), Respondent shall keep and maintain all records that accurately reflect grading and purchase relating to beef carcasses.

In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), Respondent is assessed, jointly and severally, a civil penalty in the amount of one hundred fifty-five thousand dollars ($155,000). The civil penalty assessment will be sent via certified check or money order, immediately upon execution of this Consent Decision and Order, to: US BANK, ATTN: GOVERNMENT LOCKBOX (790312), 3180 RIDER TRAILS, EARTH CITY, MO 63045-0312. The certified check or money order shall include the case caption and docket number of this proceeding.

This Order shall have the same force and effect as if entered after a full hearing. The provisions of this Order shall become effective upon issuance.

Copies of this decision and Order shall be served upon the parties.

Cargill Meat Solutions Corporation,

[redacted]

Title: Vice President Cattle Procurement

For Respondent

CHRISTOPHER YOUNG

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Date: 2024.01.16 15:35:48 -05'00'

Christopher Young
Attorney for the Complainant

Issued in Washington, D.C.

This 5th day of February, ~~2023~~ 2024

CHANNING STROTHER

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Date: 2024.02.05 13:20:05 -05'00'

Chief Administrative Law Judge